

Ex 21

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Estate of Michele M. Walker, Charles E. Walker,
Administrator

VS NO: 1:11-CV-421-PB

State of New Hampshire - Administrative Office of
the Courts and State of New Hampshire - NH Second
Circuit Littleton District Division -
Administrative Office of the Courts

DEPOSITION OF LISA TOWLE

This deposition taken by agreement of counsel
at the Office of the Attorney General, 33 Capitol
Street, Concord, New Hampshire, on Friday,
November 2, 2012, commencing at 8:53 A.M.

<p style="text-align: right;">166</p> <p>1 A When I met with Christine Howe.</p> <p>2 Q And did she show you the November 9th, 2009</p> <p>3 complaint that Michele had written?</p> <p>4 A No.</p> <p>5 Q And were you interviewed by Christine twice or</p> <p>6 three times?</p> <p>7 A I believe twice.</p> <p>8 Q Once with her and Ms. MacAllister?</p> <p>9 A Yes.</p> <p>10 Q And that was the first time?</p> <p>11 A Yes.</p> <p>12 Q And the second time, who was present?</p> <p>13 A Christine, Yvonne and Julie.</p> <p>14 Q And when you were interviewed, what was</p> <p>15 Christine's tone with you? Was she pleasant?</p> <p>16 A Very.</p> <p>17 Q She wasn't hostile in any manner?</p> <p>18 A No.</p> <p>19 Q Wasn't interrogating?</p> <p>20 A No.</p> <p>21 MS. DEMPSEY: Objection as to form.</p> <p>22 You can answer.</p> <p>23 Q More like a conversation?</p>	<p style="text-align: right;">168</p> <p>1 will mark one. Flip through and tell me if</p> <p>2 this looks like your transcript with your</p> <p>3 handwriting, and you can flip through all the</p> <p>4 way before you tell me.</p> <p>5 (Whereupon, the court reporter</p> <p>6 marked Exhibit Number 22, Transcript of Lisa</p> <p>7 Towle, 12-18-09, for Identification.)</p> <p>8 Q So that is your transcript?</p> <p>9 A Yes.</p> <p>10 Q Flip through the first pages, and you looked</p> <p>11 at the end, and the end has a statement on it,</p> <p>12 and I am looking at page 72 of the transcript.</p> <p>13 "The above is true and accurate to</p> <p>14 the best of my knowledge without the benefit</p> <p>15 of the recording." That is what you are</p> <p>16 signed it as, right?</p> <p>17 A Yes.</p> <p>18 Q On 4/13/10?</p> <p>19 A Yes.</p> <p>20 Q That was the second day you went in for an</p> <p>21 interview?</p> <p>22 A Yes.</p> <p>23 Q And so it said, "without benefit of</p>
<p style="text-align: right;">167</p> <p>1 A Yes.</p> <p>2 Q And did she tell you who she had been hired</p> <p>3 by?</p> <p>4 A She said that she was hired by the State as an</p> <p>5 independent person to do this investigation.</p> <p>6 Q When you first walked in for the first</p> <p>7 interview, did she turn on a tape recorder</p> <p>8 right away, or did she introduce herself?</p> <p>9 A When I first walked in the room, she</p> <p>10 introduced herself, explained what was going</p> <p>11 to happen, and it was going to be recorded.</p> <p>12 Q And she told you she was there to do an</p> <p>13 independent investigation?</p> <p>14 A Yes.</p> <p>15 Q And how long did your first interview last?</p> <p>16 A I don't remember. I think I was there for</p> <p>17 four hours maybe. I am guessing four hours.</p> <p>18 I don't remember.</p> <p>19 MS. DEMPSEY: If you don't know, say</p> <p>20 that. I don't want you to guess.</p> <p>21 Q A few hours?</p> <p>22 A Yes.</p> <p>23 Q I want to show you this transcript, and we</p>	<p style="text-align: right;">169</p> <p>1 recording," you didn't listen to the recording</p> <p>2 to make corrections?</p> <p>3 A Correct.</p> <p>4 Q How did you make all the corrections, you just</p> <p>5 remembered everything that had been said?</p> <p>6 A To the best of my knowledge, yes.</p> <p>7 Q Did anyone show you any other document that</p> <p>8 already had corrections on it?</p> <p>9 A No.</p> <p>10 Q So for example, if you flip to page 9, if you</p> <p>11 look at the first place where it says Ms.</p> <p>12 Towle on it, on the left-hand margin. "He was</p> <p>13 late for work. He was falling asleep," and</p> <p>14 then it says "in the courtroom."</p> <p>15 So my question is, did you recall at</p> <p>16 the time you were reading this transcript that</p> <p>17 that is what you said, or did someone tell you</p> <p>18 that that's what had been said?</p> <p>19 MS. DEMPSEY: Objection as to form.</p> <p>20 You can answer.</p> <p>21 A If I was to answer that question again today,</p> <p>22 it would be the same answer, so that is what I</p> <p>23 went by, and recalling that is how I would</p>